

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

RANDY LUNDY,)	
)	
Plaintiff,)	
)	
v.)	Case No: 5:22-cv-00699-F
)	
HL MOTOR GROUP, INC., et al.,)	
)	
Defendants.)	
)	Consolidated for Discovery With
FARMERS MUTUAL FIRE INSURANCE)	
COMPANY OF OKARCHE,)	
)	
Plaintiff,)	
)	
v.)	Case No: 5:22-cv-00752-D
)	
HL MOTOR GROUP, INC., et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO CONTINUE CASE SCHEDULING

Defendants, HL Motor Group, Inc. and Ognjen Milanovic, by their attorneys, Lewis Brisbois Bisgaard & Smith LLP, for their Motion Continue Case Scheduling, states as follows:

1. This matter arises from an August 8, 2020 motor vehicle accident where defendants' motor vehicle tractor/trailer ran into and caused significant property damage.

2. Defendants denied all material averments of wrongdoing and asserted that the incident was an unavoidable accident caused by Defendant, Ognjen Milanovic, experiencing a sudden loss of consciousness making it impossible to operate his vehicle.

[See Doc. 3].

3. On August 15, 2022, this matter was removed to the United States District Court for the Western District of Oklahoma. [See Doc. 1].

4. On August 25, 2022, defendants served Subpoenas for documents upon two known medical providers that treated Defendant, Ognjen Milanovic, immediately after the subject occurrence. To date, those medical providers have not provided documents responsive to defendants' Subpoenas.

5. Those documents are required for defendants' expert witness to properly formulate an opinion as to whether Defendant, Ognjen Milanovic, experienced a sudden loss of consciousness making it impossible to operate and control his vehicle.

6. Moreover, the production of those documents may necessitate depositions of medical providers with relevant testimony as to whether Defendant, Ognjen Milanovic, experienced a sudden loss of consciousness.

7. On October 31, 2022, this matter was consolidated for purposes of discovery with *Randy Lundy v. HL Motor Group, Inc., et al.*, Case Number 5:22-cv-00699-F. [See Doc. 13].

8. On December 1, 2022, the Court entered a Scheduling Order in both consolidated matters.

9. On December 9, 2022, defendants served Interrogatories and a Request for Production of Documents upon plaintiffs in both consolidated matters. To date, Plaintiff, Randy Lundy, has not responded to defendants written discovery requests and has requested leave to do so by March 13, 2023.

10. Defendants and Plaintiff, Farmers Mutual Fire Insurance Company of Okarche, have responded to all written discovery requests.

11. Defendant's, Ognjen Milanovic, deposition is scheduled for March 15, 2023.

12. Defendant's, HL Motor Group, Inc., corporate designee deposition is scheduled for April 5, 2023.

13. Given the delay in producing relevant medical records and Plaintiff Lundy's answering interrogatories and responding to a request for production of documents, additional time is required to complete fact and expert discovery.

14. The parties agree that an enlargement of time is necessary as a result of scheduling issues. Counsel for defendants and Plaintiff, Randy Lundy, agree that a 90 day extension of previously ordered deadlines is warranted. However, counsel for Plaintiff, Farmers Mutual Fire Insurance Company of Okarche, is agreeable to only a 30 day extension of previously ordered deadlines.

15. Good cause exists for the granting of additional time for the parties to perform additional necessary discovery.

16. No previous motions for extensions have been made by any party.

17. Defendants anticipate that the granting of this Motion will impact and cause of trial continuance of 30 to 90 days.

WHEREFORE, Defendants, HL Motor Group, Inc. and Ognjen Milanovic, respectfully request the Honorable Court to grant their Motion and order all case scheduling deadlines to be extended by 90 days.

Respectfully submitted,

HL Motor Group, Inc. and Ognjen Milanovic,

By: /s/ Michael T. Franz
One of Defendants' Attorneys

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